

JUN 30 2008

Patent Application
U.S. Serial No.: 10/028,309
Attorney Docket No.: 52493.000145

REMARKS

In response to the Office Action dated December 31, 2007, Applicants respectfully request favorable reconsideration of the above-identified patent application in view of the following amendments/remarks, which are believed to place the above-identified patent application in condition for allowance or in better form for consideration on appeal.

I. **THE ENABLEMENT REJECTION OF CLAIMS 1-53**

On page 2 of the Office Action, claims 1-53 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly being based on a disclosure which is not enabling. In particular, claims 1-53 were rejected because "[t]he term a delivery solutions processor or module" as shown in Figs. 2, element 100 is alleged to not be described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner requests the names of the processor or modules or what programs they consist of.

Applicant respectfully traverses the rejection. Applicant respectfully submits that the specification properly describes a delivery solutions processor or module in such a ways as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example, Figure 2 and pages 4-5 of the specification clearly describes an embodiment of a delivery solutions processor or module:

Figure 2 is a schematic representation of a system 900 for implementing an embodiment of the invention. The system 900 includes a deliver solutions module 100, an intermediary 92, a producer 94, and a consumer 96.

The deliver solutions module 100 is a part of an overall process for operating a component 3 of the business entity 1. The deliver solutions module 100 includes a plurality of component dashboards 2, 4, 6, 8 and a measurement module 98.

The dashboards may include a business-to-business ("B2B") dashboard 2, a business-to-producer ("B2P") dashboard 4, a business-to-consumer ("B2C") dashboard 6, and a new business dashboard 8. A B2B process associated with the B2B dashboard 2 may be used to establish relationships with other firms, such as the intermediary 92. In one embodiment, the B2B process 2 may be used to gain access to customers of the intermediary 92. Only one intermediary 92 is shown for simplicity. In practice, as many intermediaries 92 as desired may be used. In one embodiment, no intermediaries 92 may be used. The operation of the B2B dashboard and the B2B process 2 will be described below with reference to Figs. 3 and 5.

A B2P process associated with the B2P dashboard 4 may be used to enable relationships with producers, such as producer 94, as described below with reference to Figs. 3 and 6. A B2C process associated with the B2C dashboard 6 may be used to establish relationships with consumers, such as the consumer 96, as described below with reference to Figs. 3 and 7. Only one producer 94 and one consumer 96 are shown for simplicity. In practice, as many producers 94 and consumers 96 as desired may be used. A new business process associated with the new business dashboard 8 may be used to put commitments from consumers 96 into force and collect revenues, as described below with reference to Figs. 3 and 8.

The measurement module 98 may be a part of the deliver solutions module 100. The measurement module 98 may be used to evaluate the processes carried out in association with the dashboards 2, 4, 6 and 8, as described below with reference to Figs. 5-8. In one embodiment, the measurement module 98 may reside inside each of the dashboards 2, 4, 6, 8 and perform evaluations specific to each dashboard, as described below with reference to Figs. 5-8.

In one embodiment, the deliver solutions module 100 may be part of a computer software package or a web site. Each of the dashboards 2, 4, 6, 8 may represent a single web page or the content of a single screen in a software program. Although the measurement module 98 and the dashboards 2, 4, 6, 8 are shown to reside inside the deliver solutions module 100, in one embodiment, the measurement module 98 and the dashboards 2, 4, 6, 8 may reside outside the deliver solutions module 100. The functions of the dashboards 2, 4, 6, 8 will be described below with reference to Figures 5-8.

Further, Applicant respectfully submits that Figure 3 of the specification describes a flow diagram illustrating one embodiment of the operation of the deliver solutions module 100, and as

such describes to one of ordinary skill in the art functionality performed by an embodiment of a delivery solutions processor or module.

Accordingly, Applicant respectfully requests that the above-referenced enablement rejection be withdrawn.

II. THE INDEFINITENESS REJECTION OF CLAIMS 1-53

On page 3 of the Office Action, claims 1-53 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to set for the subject matter which applicant(s) regard as their invention. In particular, the Examiner alleges that the terms "B2B," "B2P," "B2C," etc. are vague and indefinite. Further, the Examiner alleges that they are not conventional terms and could change with time, place and environment.

Applicant respectfully traverses the rejection. Applicant respectfully submits that the specification clearly specifies how Applicant is using those terms. For example, on page 4 the specification clearly defines the terms as follows: a business-to-business ("B2B") dashboard, a business-to-producer ("B2P") dashboard, and a business-to-consumer ("B2C") dashboard. Applicant respectfully submits that the terms denote particular relationships that are commonly understood by one of ordinary skill in the art.

Accordingly, Applicant respectfully requests that the above-referenced indefiniteness rejection be withdrawn.

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1-53

On page 4 of the Office Action, claims 1-53 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/016958 (Adler) in view of U.S. Patent No. 5,799,286 (Morgan).

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Although Applicant does not agree with the pending rejections, Applicant has nonetheless amended claims 1, 7, 10, 43 and 49 to clarify the claimed invention and better distinguish the cited reference. For example, Applicant has amended independent claim 1 to recite: "wherein the B2P dashboard further measures timeliness, a yield and cost of enabling a B2P relationship."

Independent claims 7, 10, 43 and 49 have been amended in a similar manner. Applicant respectfully submits that the excerpts of Adler, Morgan or Marpe (or any other cited reference) referenced by the Examiner fail to teach or suggest the precise feature or functionality claimed. For example, none of the cited references -- alone or in combination -- teach or suggest any feature or functionality comprising the step of "establishing a relationship between the component of the business entity and a producer using the developed plan, wherein the relationship between the component of the business entity and the producer is established via a B2P dashboard associated with the delivery solutions processor or module, wherein the B2P dashboard further measures timeliness, a yield and cost of enabling a B2P relationship." as

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recited in claim 1. For this reason, Applicant respectfully submits that the pending claims are now allowable. In particular, Applicant respectfully submits that neither Adler, Morgan nor Marpe – alone or in combination – teach or suggest any feature or functionality of the independent claims as amended. The dependent claims are allowable for at least this reason.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-53 be withdrawn.

CONCLUSION

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due under 37 C.F.R. §1.116 or §1.117 which are not enclosed herewith, including any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

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